

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

TERRY DOWDELL,

Petitioner,

v.

CIVIL ACTION NO. 5:14-cv-25032

JOE COAKLEY,

Respondent.

MEMORANDUM OPINION AND ORDER

On August 25, 2014, the Petitioner filed an *Application for Writ of Habeas Corpus* (Document 1) brought pursuant to 28 U.S.C. § 2241. By *Standing Order* (Document 6) entered on August 26, 2014, the matter was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.


On March 10, 2015, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 13). Therein, it is recommended that this Court find that it lacks jurisdiction to review the BOP's denial of the Petitioner's RIS request and that such claim is not proper for review under 28 U.S.C. § 2241, and further recommended that this Court deny the Petitioner's *Application for Writ of Habeas Corpus* and dismiss this matter from the Court's docket.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*, which were due by March 27, 2015. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*. The Court **FINDS** that it lacks jurisdiction to review the BOP's denial of the Petitioner's RIS request and that such claim is not proper for review under 28 U.S.C. § 2241. Further, the Court **ORDERS** that the Petitioner's *Application for Writ of Habeas Corpus* be **DENIED** and that this matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: April 1, 2015


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA